

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

**ASSENTED TO MOTION TO EXTEND TIME TO
FILE OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND CERTIFICATE UNDER L.R. 7.1**

The Plaintiff, Thomas M. Kelley, respectfully moves this Court to enlarge the time to file his opposition to the Defendants' Motion for Summary Judgment. The Plaintiff requests that this Court allows him until September 1, 2007, to file said opposition to the Defendants' Motion for Summary Judgment.

As grounds for his motion, the Plaintiff states as follows:

1. The Plaintiff needs the Order approved by the Court to be filed by the Attorney General's Office re: resolution of discovery dispute to receive Affidavit from Inspector General's Office, which is needed for preparation of the Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

2. Plaintiff's Counsel and Co-Counsel need additional time in order to meet and draft their opposition to said Motion for Summary Judgment and have not been able to do so as a result of August vacation schedules of office staff, Attorney Armstrong and Attorney Gallitano.

3. In addition Plaintiff's Counsel has several hearings scheduled in the month of August, 2007, to prepare for and defend as follows: August 15, 2007, Motion for Assessment of Damages, in the case of The Cadle Co. v. Michael DiGravio, et al, Norfolk Superior Court, C.A. No. 2005-01884D; on August 20, 2007, hearing on a Motion to Dismiss, in the case of Sevigny v. DSS & Commonwealth, C.A. No. 2006-

01517-B; and on August 22, 2007, Pre-Trial Conference and hearing on multiple criminal charges in the case of Commonwealth v. Boyer, Plymouth District Court, 0659CR003340.

4. Neither the parties nor the Court will suffer any prejudice by this brief extension of time for the Plaintiff to file his opposition. The trial in this matter is scheduled for December 3, 2007.

5. On August 1, 2007, Attorney Joseph Gallitano telephoned counsel for the Defendants, Attorney Jeremy Silverfine, requesting his assent to this Motion. Attorney Silverfine has assented to this Motion.

For the foregoing reasons the Plaintiff respectfully requests that the Court allow this Motion to enlarge the time to respond to the Defendants' Motion for Summary Judgment up to and including September 1, 2007.

Respectfully submitted,

Thomas M. Kelley, Plaintiff,
by his attorneys,

/s/ Joseph R. Gallitano
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/s/ Richard D. Armstrong
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Dated: August 2, 2007

Assented to:

/s/ Jeremy Silverfine

Jeremy Silverfine, Esq.

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CERTIFICATION UNDER L. R. 7.1

I, Joseph R. Gallitano, Attorney for the Plaintiff, do hereby state that I spoke with Assistant Jeremy Silverfine and he has assented to this Motion for Extension of Time.

/s/ Joseph R. Gallitano

Joseph R. Gallitano, Esq.